

HB 186 (School Safety Amendments): Text with Commentary

(2) The state superintendent of public instruction shall create a standard victim of harassment or intimidation form **[already exists as Utah's Safe and Drug-Free Schools Incident and Offense Reporting Form, which allows schools to identify the nature of an incident as "threat/intimidation"]** that shall:

- (a) identify the victim and the alleged perpetrator, if known **[done]**;
- (b) indicate the age of the victim and the alleged perpetrator, if known **[done]**;
- (c) describe the incident, including alleged statements made by the alleged perpetrator **[done, but eventual summarization would be facilitated by development of checklist like standards for describing an incident]**;
- (d) indicate the location of the incident **[done]**;
- (e) identify any physical injury suffered by the victim and describe the seriousness and any permanent effects of the injury **[requires medical expertise beyond the competence of the school or is usually not revealed until incidents go to court, often long after the fact, so will be excluded from reporting as not feasible]**;
- (f) indicate the number of days the victim has been absent from school, if any, as a result of the incident **[could be added, but quality of data will suffer from subjectivity in causal attributions]**;
- (g) identify any request for psychological services initiated by the victim or the victim's family due to psychological injuries suffered **[if a student seeks psychological services outside of school or even if a student seeks help of a school counselor or psychologist, such professionals are not obligated to record every encounter with students; moreover, as with medical information in (e) above, this information is private — the school has no right to demand, and the student no obligation to disclose — thus, even if requests were known, the reasons for them would not necessarily be known, and so will be excluded from reporting as not feasible]**; and
- (h) include instructions on how to complete and submit the form, including a mailing address and electronic submission procedures, if available.

(3) (a) The state superintendent of public instruction shall distribute copies of the victim of harassment or intimidation report **[assuming "report" means the "form" described in (2) ...]** to school districts and charter schools **[done]**.

(b) Copies of the victim of harassment or intimidation report shall be available at each school **[done; in fact, on the web at http://riseup.usurf.usu.edu/Incident_Form.pdf]**.

(4) An incident of harassment or intimidation may be reported to a school by a student, parent, guardian, or close adult relative of a student.

(5) (a) Each school within a school district shall forward reports of incidents of harassment or intimidation at the school to the school district.

(b) Each school district and charter school shall submit summaries of reports of harassment or intimidation filed with the school district or charter school to the State Board of Education by June 30 of each year.

(c) The report summaries described in Subsection (5)(b) shall delete any personally identifying information.

(d) The reports to the State Board of Education shall include, to the extent feasible:

(i) a description of the incident of harassment or intimidation [**done**];

(ii) the age of the victim and the alleged perpetrator [**done**];

(iii) the allegation [**only by the victim or anyone associated with the incident?**] of the alleged perpetrator's motive [**requires a decision on who exactly is qualified to make an allegation and a standard classification of motives, perhaps based on 53A-11-910(1)(i) —“motivated by an actual or a perceived personal characteristic, including race, national origin, marital status, gender, gender identity, sexual orientation, religion, or disability” — in short, a list of “hate crimes”; until then will be excluded from reporting as not feasible**];

(iv) a description of the investigation of the complaint [**requires checklist like standards for describing an investigation; until then will be excluded from reporting as not feasible**] and any corrective action taken [**done**] by the appropriate school authorities;

(v) the number of days the victim has been absent from school, if any, as a result of the incident [**can be done, although will be error prone for the reason cited in (2)(f) above**]; and

(vi) the number of false allegations reported [**requires legal expertise to distinguish between insufficient evidence to support an allegation and lying about an allegation, so will be excluded from reporting as not feasible**].